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2 UNITED STATES DISTRICT COURT
3 WESTERN DISTRICT OF WASHINGTON
4 AT SEATTLE

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6 IMPORVENDA PRODUTOS ALIMENTARES,
7 LDA,

8 Plaintiff(s),

9 NO. C05-258P

10 v.

11 ADAK FISHERIES, LLC,

12 Defendant(s).

13 ORDER ON MOTION TO FILE
14 AMENDED ANSWER AND THIRD-
15 PARTY COMPLAINT

16 The above-entitled Court, having received and reviewed:

17 1. Adak Fisheries, LLC's Motion to File Amended Answer and Third-Party Complaint
18 2. Imporvenda's Response to Adak Fisheries, LLC's Motion to File Amended Answer and Third-
19 Party Complaint
20 3. Adak Fisheries, LLC's Reply in Support of Motion to File Amended Answer and Third-Party
21 Complaint

22 and all exhibits and declarations attached thereto, makes the following ruling:

23 IT IS HEREBY ORDERED that the motion is PARTIALLY GRANTED – Defendant will be
24 permitted to update their answer regarding ownership of Adak.

25 IT IS FURTHER ORDERED that the motion is PARTIALLY DENIED – Defendant will not
26 be permitted to assert its breach of contract and indemnity claims against Icicle or to assert an
affirmative defense based on Icicle's liability.

27 This motion is simply too late. According to the case schedule (Dkt. No. 8), the deadline for
28 amending pleadings in this matter was June 16, 2005. Granting Defendant's motion in its entirety

1 would severely prejudice Plaintiff by embroiling them in a dispute which is not necessary to the
2 resolution of their straight-forward contract action.

3 The addition of a third party sought by Defendant in this motion would inevitably lead to the
4 postponement of the trial date while the new party to the lawsuit engaged in the requisite discovery
5 and motions work to properly respond to the allegations. It would serve the interests of neither
6 judicial economy nor justice to permit this last-minute reordering of this litigation.

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8 The clerk is directed to provide copies of this order to all counsel of record.

9 Dated: February 16, 2006



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12 Marsha J. Pechman
13 U.S. District Judge
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